

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

**Town of Richmond
Planning Board Public Meeting
September 3, 2013 7:30 PM Richmond Town Hall**

Members Present:

Rick Lewis, Chair
Lloyd Condon, Vice Chair
Deb Duffy, Secretary
Norma Thibodeau
Richard Drew
Butch Morin, Alternate

Members Absent:

Debra Boncal, Selectman Rep
Jon Pratt
Wes Vaughan, Alternate

Butch Morin seated for Jon Pratt.

Public: Selectman Sandra Gillis present unofficially.

1. Public:

Nothing from the public

2. Mail:

No Mail.

3. Minutes August 6, 2013:

Page 2, Under 7. Permit to Excavate. Second line down, correct spelling of warrarnt to **warrant**. Then fourth line down change end of line four from: were all worked on and agreed upon by the board. Change the end to read: were all worked on and the board came to a consensus regarding the excavation permitting process.

Motion made by Richard Drew to accept the minutes as amended. Seconded by Deb Duffy. Five in favor. One abstention. Motion carries.

4. Application, permit and checklist to excavate:

Application:

Third line down remove the word **Completed** for the heading.

Under #3. Change: Letter of credit to **letter of irrevocable credit** and change throughout the document. Add the **samples from the Subdivision** regulation book.

Under #4. Excavation Plan, including the following: under b. Remove the words **lot line**.

Under #5. Change the word Restoration to Reclamation and change the word throughout #5.

Under #6. Change the word evidence to copies and change the word throughout #6.

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Add boxes at the end of each section followed by yes, no or waived.

Excavation Permit Application:

Under Application must also include, third dash down, Bond or letter of credit change to irrevocable letter of credit.

Excavation Permit:

Remove Permit expires 2 yeas from above date. Add: Permit Expires followed by a line to add in expiration date. Planning Board (PB) will continue to be the regulators and through the permitting process can determine expiration date depending on the work to be accomplished by the applicant. The key will be conversation between the mutually agreed upon inspector, the PB and the Selectmen.

It was suggested that the PB is the board of expertise and they should be responsible for issuing the permit. Then the Selectmen should be responsible for the conditions and enforcement of the conditions. It was determined by the PB the last meeting that the process under RSA 155-E:8 to ask for a vote at the 2014 Town Warrant meeting to allow the Selectmen issue the Excavation Permit.

Selectman Gillis added that it feels like the Board is asking one body without expertise or interaction except by one representative to take action based on a board that has taken the time and vetted the application. They agreed that the Selectmen are the enforcers but issuing the permit is a piece that has been fully investigated by the Planning Board and it would seem they would have the most knowledge of the application to make the best determination for the Permit.

The move by the PB to ask the permitting process to go to the Selectmen came out of frustration of the PB to be able to have any say in the enforcement of the approved application. This made the PB feel as if they had nothing to back up their conditions and assure they've been met.

It was suggested that the PB should keep the permitting process and receive regular inspections. When the agreed upon information isn't being received then the Select board can be contacted and become the enforcer. It is the Selectman's position that once there is a violation of anything in town, and the board is made aware of it, then the Board of Selectmen need to take action. Sometimes the action needs to be negotiated with a body that's requesting the Selectman's support. At this time the Selectmen would own the action that they had taken. It would not be the Board that would continue that action.

A suggested way to create better communication is a timeline showing when inspections are due. Then when the determined amount of time has passed a letter should be sent from the Planning Board to the Applicant requesting with deadlines what was agreed upon. If inspections are not received within the determined deadline then the Selectmen can be contacted to help with the process.

It was suggested that in the past the PB has been the middle man. Contacting the applicant, then if conditions of approval aren't met the PB goes to the enforcer (Selectmen) who tell the PB what they're doing then the PB goes to the applicant and so on. The thought was to hand the permitting process to the Selectmen since the PB only meets twice a month so for the PB to be able to stay on top of this would be difficult and the Selectman's office is open 4 days a week.

It seems from the conversations that more work should be done on the actual permitting process, excavation procedures

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and a plan for active inspections for the next agenda.

5. Selectman's representative:

Selectman Gillis spoke to the Selectmen's Representative to the PB and their role. She cited the State statute which says that the Select board shall name a representative to the board who acts as an ex officio member. It doesn't say anything about a liaison. The PB seems to have an expectation that the person voted will be a liaison and it's expected they will report back to the body they are representing. The State statute says that they are a voting member just like the elected members and that there is no wiggle room it shall be a selectman who is appointed to the board as a full member.

The issue the Selectmen are running into is that none of the 3 are available every meeting to attend PB meetings. The situation is that the state requires the board to have one voting seat filled by a selectman and without that seat filled it puts the P/B in a bad situation of having only 6 voting members. This seat can not be filled by a regular member (alternate) it must be a Selectman.

PB now has seven members, 6 are elected and the 7th is the Selectmen's representative, then 3 alternates. The biggest part that is missing is the link between the Selectmen's and PB to get communication back and forth in reference to items going on between the two groups, which seem essential. It was suggested that the Selectmen should go to the State and plea their hardship to the State and maybe they would allow somebody to cover for the Selectmen which could be the solution.

The point of the Select representative is not expected by state law to carry communications back and forth it is to be a full voting member. So maybe the alternative is to figure out what to do in case the representative is absent there will still be communications between the two boards. Some suggestions, as Selectman Gillis is representing tonight not as a public member but as a person to update the board with no voting privileges. When questions arise that need an answer then the PB should put it in writing, send an email or pick up the phone for the Selectmen to respond by the next meeting.

Filling in the communication, liaison and other key words is good management for the town. Receiving the agenda and sharing minutes and forms ahead of time help the Select board to keep up to speed with what the PB is working on. Having a representative to attend the PB meetings and having no vote may be a way to satisfy the PB's need to have someone present.

According to RSA 673:2 the Selectmen can appoint an ex officio to the PB it does not have to be a present Selectman to fulfill the RSA. Other alternatives would be if the Selectmen appointed each other they could share the responsibility of making P/B meetings. Concern with different Selectmen representatives when it comes time to vote on a matter at hand who was at the meeting during deliberations and does the representative that meeting have the education on the subject to cast a vote? But, if the ex officio keeps up reading the minutes and educates themselves on the subject they should be allowed to cast a vote or if they don't feel comfortable they could just recuse themselves.

This conversation will be continued in further meetings.

6. Update on move to Veterans Hall:

The goal is to have floors sanded, walls painted and meetings to begin at the Veterans Hall the beginning of October.

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Files for the Planning Board will be located in the small room in the front of the building between the front doors. The kitchen will be used for monthly public meetings, when a hearing is needed then the main hall will be used if needed. The Municipal Building Committee has roman shades and drapes coming for the windows hopefully to absorb some of the sound. As this time the ceiling of the Vet's Hall is lined with acoustical tiling to help with the absorption of sound which the ceiling has always had. The Planning Board would purchase a copy machine and find an area that can be secured. It was suggested to purchase a 4 in 1 machine to handle scanning, printing, copies and faxes.

7. Discussion on procedure to distribute minutes:

It was decided to distribute minutes to all members at the time that they are sent to the town clerk which is 5 days after the meeting. Copies will be put in the Historical folder for Norma Thibodeau, Lloyd Condon and Jon Pratt will take their copies the night of the meeting.

Then all information will be sent out the Thursday or Friday before the meeting to include agenda, minutes and all attachments. Between that Thursday and Monday copies will be put in the Historical folder for Norma Thibodeau and hard copies for Lloyd Condon and Jon Pratt will be present at the meeting.

When the website is set up correctly then the minutes can be put on the website and members can pull them off. Concern that several members do not have access to the web and this would be difficult. The new web master will be .Govoffice the Selectmen hope this will be operational to do just this kind of networking within town.

8. Other:

a. Time Sheets:

Select board would like timesheets in a timely fashion to avoid conflict with the Department of Labor. They need to be signed by the Planning Board and the Zoning Board of Adjustments and submitted on a regular basis. There are several options we can go weekly with a signed time sheet or divide a total amount by 12 to issue a monthly check. If by the end of the year there is discrepancies then if the board is owed hours or the Land Use Assistant is owed money that will be handled. The Selectmen don't care if every 15 minutes get logged on a time sheet, nor do they care how many hours each day. All the Selectmen want is a town sheet paid and signed by the supervisor. If the boards need detail then the boards can pay for that service but all the Selectmen care about is sending in payment on a regular basis, weekly, bi-monthly or monthly. This will be put in as a total not in the detail we are presently receiving this will be considered a salary.

A piece of paper with the total monthly amount will be submitted with Chairman Sandy Perry and Chairman Richard Lewis will sign with the amount.

b. Licensing Junk Yards RSA 236:

Selectman Gillis requested that the PB help weed through the licensing of junk yards RSA 236. The town has been empowered since 1965 to license junk yards and according to our Zoning Ordinances we don't allow junk yards in town. To date the Town has several well established locations and the State Statutes allow for their existence We presently have two large areas which are business who both received Special Exceptions for their junk yards back in the late 80's and early 90's. But, they have out grown their Special Exceptions at this time. The Town of Richmond will not be able to eliminate the junk yards in town they can only regulate. The thought is to work with the business's

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that are not licensed, permitted or have not received a special exception or variance in anyway, they have nothing that our regulations ask them to have. It would be nice to make them legal and then add some regulations like screening, parking and lighting through a review by the PB. At this time there are a lot of business's in town that have a very important impact on their neighbors and the neighbors just put up with what is going on. Selectman Gillis is putting together a package for the Planning Board to review and add their comments. There are some letters being drafted to address junky yards as well as junk yards that are business's that have not yet applied following Richmond's regulations and business's that have been awarded the proper paperwork but have exceeded their original stated size. There are Statutes that the Junk yards would have to follow and then there are junky yards that sell items every weekend that need to apply for proper paperwork as businesses.

This will happen over the next couple of months.

c. Numbering Subdivided Lots:

At present the PB does not have a written policy on the numbering of subdivided lots. Selectman Gillis would like to recommend a policy creating a concrete method since the Selectmen are considered the assessors of the town they have an interest in how the subdivisions are presented. The Planning Board agrees that a policy needs to be implemented in town but not the one that Selectman Gillis has suggested, which the parent lot stays as is and holds all of the subdivision information and then the parent lot number is retired. The concern was the confusion when a parent lot number is retired and the subdivision lots are renamed, research is extremely hard. Selectman Gillis left her suggestion for the board to consider or they could create their own policy as long as something is on record.

d. Pratt Pit:

The hearing for the Pratt Pit in reference to the Cease and Desist will be September 23, 2013. It was postponed as it was suppose to be 2 weeks ago. They appealed the Cease and Desist and they asked for a Summery Judgment. This will be the first time the case will be in front of the Courts. Attorney Joe Hoppock will represent Richmond.

Motion made by Richard Drew to adjourn meeting. Seconded by Deb Duffy. All in favor. None opposed. Motion carries.

Adjourned @ 9:25

Respectfully submitted:

Kandace Mattson